

UNITED STATES OF AMERICA : **CRIMINAL COMPLAINT**

v. :

JOHN J. HAMILTON, JR. : Mag. No. 05-

knowingly and willfully conspire with others to obstruct, delay, and affect interstate commerce by extortion under color of official right, by soliciting and accepting property from another, with his consent

Signature of Judicial Officer

Attachment A

I, Mark P. Calnan, a Special Agent with the Federal Bureau of Investigation ("FBI"), following an investigation and discussions with other law enforcement officers, am aware of the following facts. Because this Attachment A is submitted for the limited purpose of establishing probable cause, I have not included herein the details of every aspect of this investigation. Nor have I recounted every conversation involving the defendant.

1. Defendant JOHN J. HAMILTON, JR. is a Councilman in the City of Asbury Park, New Jersey and has held that position at all times relevant to this Complaint. He also is the former Deputy Mayor of Asbury Park.

2. At all times relevant to this Complaint, a witness who was cooperating with law enforcement authorities ("CW") held himself out to defendant JOHN J. HAMILTON, JR. as someone involved in construction and demolition work as well as illegal loansharking.

3. In or about May and June 2001, defendant JOHN J. HAMILTON, JR. had discussions with CW and another individual ("Coconspirator-1") about CW installing for defendant HAMILTON a driveway at defendant HAMILTON's home in Asbury Park, New Jersey at no cost or a substantially reduced cost. In return, defendant HAMILTON agreed to attempt to secure public construction contracts for CW's company. These discussions were recorded with CW's consent.

4. On or about July 24, 2001, defendant JOHN J. HAMILTON, Jr. and CW met at a restaurant in Asbury Park, New Jersey. In their conversation that was recorded with CW's consent, defendant HAMILTON and CW finalized the arrangements concerning the driveway. CW informed defendant HAMILTON, in substance and in part, that he typically would charge \$5,000 to \$6,000 for the driveway work, but reiterated that defendant did not have to pay him anything in view of their arrangement.

5. On or about August 2 and 3, 2001, CW installed a driveway at the home of defendant JOHN J. HAMILTON, JR. To complete the driveway job for defendant HAMILTON, CW subcontracted the work to, and subsequently made payment in the amount of \$5,000 to, a paving company that routinely buys materials that have moved in interstate commerce.

6. While CW was at defendant JOHN J. HAMILTON, JR.'s home for the driveway job on August 2, defendant spoke to CW. During the conversation, which was recorded with CW's consent, CW and defendant HAMILTON again spoke of their agreement that defendant HAMILTON would attempt to secure public jobs for CW, particularly "emergency work" and "no-bid work." Referring to their new business relationship, CW stated, "I want the three of us gonna

eat together - me, you, and [Coconspirator-1]. The three of us will eat together. . . . [M]e, you, and [Coconspirator-1] gonna make a lot of money together." Even though he had not paid CW anything for the driveway job, defendant HAMILTON requested a receipt from CW in the amount of approximately \$1,000. Defendant HAMILTON explained, "I just wanna make sure that, that we both, both pro-protected. . . . You know, . . . a grand or something, you know, something small."

7. On or about August 3, 2001, defendant JOHN J. HAMILTON, JR. obtained from CW a receipt indicating that defendant had paid \$1,000 in cash for the driveway job. (Actually, defendant had not paid anything for the job). After obtaining the receipt, defendant HAMILTON stated to CW, in substance and in part, "I just wanna . . . get you some work." CW stated, in substance and in part, "[W]hatever I get, you get a piece and . . . [Coconspirator-1] for introduc'in' me gets ten percent of everything." This conversation was recorded with CW's consent.

8. In or about November 2002, FBI agents approached defendant JOHN J. HAMILTON, JR. and questioned him about, among other matters, the driveway that had been installed at his house. Defendant HAMILTON falsely told the agents, in substance and in part, that he had paid \$1,000 for the driveway and had received a discount because the contractor was doing other work in the area at the same time.

9. After that interview, defendant JOHN J. HAMILTON, JR. spoke to CW on multiple occasions to make sure that they would both tell the same false story to the FBI if they were further questioned about the driveway. As defendant HAMILTON stated to CW on December 11, 2002, defendant wanted to make sure that he and CW would be "on the same page." Each of these conversations was recorded with CW's consent.